

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 26 , 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Christensen.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of January 12, 2015, reported having done so, found same correct.

Seconded by Eskridge and carried by the following vote; AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

**PUBLIC HEARING**

APPLICATION OF JON JINDRA DBA SHOOTERS BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 200 WEST P STREET - Jon Jindra, 3701 Taxi Dr., came forward to take the oath and answer questions. He stated that he filed an amendment to his liquor license application. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SMALL TOWN BAR INC. DBA ROSIE'S SPORTS BAR AND GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE FOR AN ADDITION OF AN OUTDOOR AREA APPROXIMATELY 25 FT. BY 31 FT. TO THE SOUTH AT 1501 CENTER PARK RD. - Tim Rowland, 727 W. Jennifer Dr., came forward to take the oath and answer questions. Stated business is expanding and is adding a beer garden. Discussion followed.

This matter was taken under advisement.

APPLICATION OF MID-WEST SLIMS LLC DBA SLIM CHICKENS FOR A CLASS I LIQUOR LICENSE AT 1601 PINE LAKE ROAD;

MANAGER APPLICATION OF WILLIAM A. HOOKS FOR MID-WEST SLIMS LLC DBA SLIM CHICKENS AT 1601 PINE LAKE ROAD;

APPLICATION OF MID-WEST SLIMS LLC DBA SLIM CHICKENS FOR A CLASS I LIQUOR LICENSE AT 5805 S. 85TH STREET;

MANAGER APPLICATION OF WILLIAM A. HOOKS FOR MID-WEST SLIMS LLC DBA SLIM CHICKENS AT 5805 S. 85TH STREET - Tim L. O'Neill, Harding & Shultz, 121 S. 13<sup>th</sup> St., #800, came forward to take the oath and answer questions. Stated it's a new restaurant that is fast and casual and offers an expanded menu of southern foods.

This matter was taken under advisement.

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - Steve Hubka, Director of Finance, came forward to state this is part of the City's street light financing program. Stated certificates of participation are issued and that allows us to reimburse ourselves for expenses that are currently incurring with proceeds of the COPS when they are issued. Requesting approval. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 14026 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO AMEND THE "18TH & P MULTIFAMILY REDEVELOPMENT PROJECT" TO INCLUDE THE ADJACENT RIGHTS-OF-WAY OF ANTELOPE VALLEY PARKWAY, 18TH STREET, Q STREET, P STREET, O STREET, N STREET, AND A PROTECTED BIKE LANE ON N STREET - Dave Landis, Director of Urban Development, came forward to state the redeveloper is requesting the City support its efforts by constructing the city's proposed "N Street Cycle Track" and is requesting that the City use a portion of the available TIFF bond proceeds for this project. Discussion followed.

Karen Griffin, President of Great Plains Trail Network, came forward in support.

Tom Huston, Attorney, 233 S. 13<sup>th</sup> St., came forward in support.

Terry Pope - Gonzalez, 349 S. 1<sup>st</sup> St., came forward in opposition.

This matter was taken under advisement.

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APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND FORTUNATO SANCHEZ AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 344 N. 27TH STREET - Dave Landis, Director of Urban Development, came forward to state the provisions in the sales agreement says buyer will build privacy wall to protect residents in the North, grass the land that is currently dirt, and build a restaurant within the next three years. Stated that the city will part with the land, the property will be on the tax roll, and there will be investment on the location. Requesting approval of the sale. Discussion followed.  
This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NGUYEN NGUYEN AND TAN LAM AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 1739 N. 28TH STREET. - David Landis, Director of Urban Development, came forward state they secured this property for \$21,000.00 in auction. Subsequently oversaw the construction and will be selling the house for \$140,000.00. Discussion followed.  
This matter was taken under advisement.

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON JANUARY 5, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON JANUARY 12, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR DECEMBER 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

REPORT REGARDING SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. §84-713 (NON-TORT CLAIMS) WITH WATSON - CLERK presented said report which was placed on file in the Office of the City Clerk.

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 9, 2015 AT 3:00 P.M. FOR THE APPLICATION OF DAO & NGUYEN PROPERTIES LLC DBA SOUTH FAST BREAK FOR A CLASS D LIQUOR LICENSE LOCATED AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88735 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 9, 2015, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Dao & Nguyen Properties LLC dba South Fast Break for a Class D Liquor License located at 1648 South Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 14035 from R-2 Residential District to R-3 Residential District, on property legally described as Lots 4 and 5, Maple Hill Addition, located in the SE1/4 of Section 6-9-7, Lincoln, Lancaster County, Nebraska, generally located at the northwest corner of South 40th Street and Pioneers Boulevard. Special Permit No. 08002A for authority to expand the area for the sale of alcoholic beverages for consumption off the premises, on property legally described as Lot 51 in the NW1/4 of Section 15-10-6, Lancaster County, Nebraska, generally located at 2500 N.W. 12th Street. The Planning Commission action is final, unless appealed to the City Council.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 14080 to Final Plat No. 07028, The Bridges, approved by the Acting Planning Director on January 13, 2015, requested by Civil Design Group, for a waiver to extend the time for two years to install sidewalks, pedestrian way sidewalk, street trees, private ornamental lights, private roadway paving (S.W. 31<sup>st</sup> Street), and private storm sewer, on property generally located at SW 31<sup>st</sup> Street and W. Denton Road.

### LIQUOR RESOLUTIONS

APPLICATION OF JON JINDRA DBA SHOOTERS BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 200 WEST P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88736 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Jon Jindra dba Shooters Bar and Grill for a Class "C" liquor license at 200 West P Street, Lincoln, Nebraska, for the license period ending October 31, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. There be no business or personal alcohol related offenses by the applicant within the first year after approval.
3. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
4. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

APPLICATION OF SMALL TOWN BAR INC. DBA ROSIE'S SPORTS BAR AND GRILL TO EXPAND ITS CLASS I LIQUOR LICENSE FOR AN ADDITION OF AN OUTDOOR AREA APPROXIMATELY 25 FT. BY 31 FT. TO THE SOUTH AT 1501 CENTER PARK RD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88737 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Small Town Bar Inc. dba Rosie's Sports Bar and Grill to expand its licensed premises by the addition of an outdoor area for a new licensed area described as a one story building Suite 200 approximately 66 ft. by 73 ft. and Suite 300 approximately 73 ft. by 79 ft. including outdoor area approximately 25 ft. by 31 ft. to the south at 1501 Center Park Rd., be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

APPLICATION OF MID-WEST SLIMS LLC DBA SLIM CHICKENS FOR A CLASS I LIQUOR LICENSE AT 1601 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88738 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Mid-West Slims LLC dba Slim Chickens for a Class "I" liquor license at 1601 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

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3. The premises must comply in every respect with all city and state regulations.  
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

MANAGER APPLICATION OF WILLIAM A. HOOKS FOR MID-WEST SLIMS LLC DBA SLIM CHICKENS AT 1601 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88739 WHEREAS, Mid-West Slims LLC dba Slim Chickens located at 1601 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that William A. Hooks be named manager;

WHEREAS, William A. Hooks appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that William A. Hooks be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

APPLICATION OF MID-WEST SLIMS LLC DBA SLIM CHICKENS FOR A CLASS I LIQUOR LICENSE AT 5805 S. 85TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88740 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Mid-West Slims LLC dba Slim Chickens for a Class "I" liquor license at 5805 S. 85th Street, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

MANAGER APPLICATION OF WILLIAM A. HOOKS FOR MID-WEST SLIMS LLC DBA SLIM CHICKENS AT 5805 S. 85TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88741 WHEREAS, Mid-West Slims LLC dba Slim Chickens located at 5805 S. 85th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that William A. Hooks be named manager;

WHEREAS, William A. Hooks appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that William A. Hooks be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

**PUBLIC HEARING - RESOLUTIONS**

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - CLERK read the following resolution, introduced by Roy Christensen, Trent Fellers moved its adoption:

A-88742

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has begun the acquisition and installation of light poles and related equipment for the lighting of streets (the "Project") in the current fiscal year to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended ("Section 15-201.02"), the City is authorized to enter into installment contracts for the purchase of personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the "Lease Agreement") pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the "COPs").

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Regulations").

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse "original expenditures" made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$3,400,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) "de minimus expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers shall be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the "reimbursement allocations" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to

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the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Roy Christensen

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

COMP. PLAN CONFORMANCE 14026 - APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO AMEND THE "18TH & P MULTIFAMILY REDEVELOPMENT PROJECT" TO INCLUDE THE ADJACENT RIGHTS-OF-WAY OF ANTELOPE VALLEY PARKWAY, 18TH STREET, Q STREET, P STREET, O STREET, N STREET, AND A PROTECTED BIKE LANE ON N STREET - CLERK read the following resolution, introduced by Roy Christensen, Trent Fellers moved its adoption:

A-88743 WHEREAS, the City Council on July 21, 2003, adopted Resolution No. A-82222 finding an area generally bounded by C Street on the south, 17th Street on the west, the Burlington Northern Railroad on the north, and 28th Street on the east (comprising parts of the Near South, Woods Park, Malone, Clinton, Hawley, Hartley, and Downtown neighborhoods), and an area generally bounded by the Burlington Railroad on the south, Interstate 180 on the west, Salt Creek on the north, and 14th Street on the east (comprising the North Bottoms neighborhood) to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Antelope Valley Redevelopment Plan and amendments thereto (hereinafter the "Antelope Valley Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by amending the "18th and P Multifamily Redevelopment Project" to include the adjacent rights-of-way of Antelope Valley Parkway, 18th Street, Q Street, P Street, O Street, N Street, and a protected bike lane on N Street; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled Amendment to the Antelope Valley Redevelopment Plan for the 18th and P Street Multifamily Redevelopment Project to amend said Project which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2012); and

WHEREAS, on December 26, 2014, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on January 7, 2015 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Plan Amendment amending the 18th and P Street Multifamily Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on January 9, 2014 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on January 26, 2015 regarding the proposed Plan Amendment amending the 18th and P Street Multifamily Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on January 9, 2015 and January 16, 2015 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on January 26, 2015 regarding the proposed Plan Amendment amending the 18th and P Street Multifamily Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendment to the Antelope Valley Redevelopment Plan to amend the 18th and P Street Multifamily Redevelopment Project, has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on January 7, 2015 found the Plan Amendment to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on January 26, 2015 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the Redevelopment Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Plan Amendment amending the 18th and P Street Multifamily Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will promote the general health, safety and welfare, the sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the amendments to 18th and P Street Multifamily Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the 18th and P Street Multifamily Redevelopment Project area as amended by the Plan Amendment are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the 18th and P Street Multifamily Redevelopment Project as amended by the Plan Amendment would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the document entitled "Amendment to the Antelope Valley Redevelopment Plan for the 18th and P Street Multifamily Redevelopment Project" attached hereto as Attachment "A", amending the 18th and P Street Multifamily Redevelopment Project, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the 18th and P Street Multifamily Redevelopment Project as described and depicted in the Plan Amendment is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements, and other activities set forth in said Plan Amendment to the Antelope Valley Redevelopment Plan.

Introduced by Roy Christensen

Seconded by Gaylor Baird and carried by the following vote: AYES: Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: Camp; ABSENT: Christensen.

#### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND FORTUNATO SANCHEZ AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 344 N. 27TH STREET - Clerk read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Fortunato Sanchez authorizing the sale of City owned property generally located at 344 N. 27th Street, Lincoln, Nebraska, for the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND NGUYEN NGUYEN AND TAN LAM AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED AT 1739 N. 28TH STREET - Clerk read an ordinance, introduced by Roy Christensen, approving a Real Estate Sales Agreement between the City of Lincoln and Nguyen Nguyen and Tan Lam authorizing the sale of City owned property generally located at 1739 N. 28<sup>th</sup> Street, Lincoln, Nebraska, the second time.

**ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 14030 - APPLICATION OF THE ACTING PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO R-2 RESIDENTIAL AND I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT N. 44TH STREET AND COLFAX CIRCLE - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20136**, is recorded in the Ordinance Book #30

TEXT AMENDMENT 14017 - AMENDING THE MAXIMUM BUILDING HEIGHT PROVISIONS IN THE AG DISTRICT BY AMENDING SECTION 27.63.250 OF THE LINCOLN MUNICIPAL CODE TO ADD THE AG DISTRICT TO THE LIST OF DISTRICTS IN WHICH A PERMITTED USE EXCEEDING THE MAXIMUM HEIGHT PERMITTED IN A DISTRICT MAY BE ALLOWED BY SPECIAL PERMIT; AND AMENDING 27.72.010 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE ALLOWABLE BUILDING HEIGHT IN THE AG DISTRICT FOR FARMSTEAD SPLITS FROM 30' TO 35' - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the maximum building height provisions in the AG district by amending Section 27.63.250 of the Lincoln Municipal Code to add the AG district to the list of districts in which a permitted use exceeding the maximum height permitted in a district may be allowed by special permit; amending 27.72.010 of the Lincoln Municipal Code to increase the allowable building height in the AG district for farmstead splits from 30' to 35'; and repealing Sections 27.63.250 and 27.72.010 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20137**, is recorded in the Ordinance Book #30

TEXT AMENDMENT 14019 - AMENDING CHAPTER 27.68 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERSONAL WIRELESS FACILITIES BY AMENDING SECTIONS 27.68.020, 27.68.030, 27.68.120, AND 27.68.130 TO MODIFY THE DEFINITIONS OF "ABANDONMENT" AND "PARTIAL ABANDONMENT"; TO MODIFY ADMINISTRATIVE PERMIT PROVISIONS; AND TO DELETE PROVISIONS REGARDING THE INITIAL TERM AND RENEWAL OF SPECIAL PERMITS AND ADMINISTRATIVE PERMITS; AND REPEALING SECTIONS 27.68.040, 27.68.050, 27.68.060, AND 27.68.070 OF THE LINCOLN MUNICIPAL CODE IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 27.68 of the Lincoln Municipal Code relating to Personal Wireless Facilities by amending Sections 27.68.020, 27.68.030, 27.68.120, and 27.68.130 to modify the definitions of "abandonment" and "partial abandonment"; to modify administrative permit provisions; and to delete provisions regarding the initial term and renewal of special permits and administrative permits; repealing Sections 27.68.040, 27.68.050, 27.68.060, and 27.68.070 of the Lincoln Municipal Code in their entirety; and repealing Sections 27.68.020, 27.68.030, 27.68.120, and 27.68.130 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20138**, is recorded in the Ordinance Book #30

VACATION 14012 - VACATING APPROXIMATELY .08 ACRES OF Y STREET RIGHT-OF-WAY ADJACENT TO LOT 1, 10TH AND Y STREET BETWEEN N. 10TH STREET AND VACATED N. 11TH STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating approximately .08 acres of Y Street right-of-way adjacent to Lot 1, 10th & Y Addition generally located between N. 10th Street and vacated N. 11th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20139**, is recorded in the Ordinance Book #30

VACATION 14011 - VACATING APPROXIMATELY .04 ACRES OF STREET STUB AT THE NORTHEAST CORNER OF WEST C STREET AND S.W. 6TH STREET AND APPROXIMATELY .05 ACRES OF THE EAST-WEST ALLEY NORTH OF WEST B STREET, EAST OF S.W. 6TH STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating the east-west alley from the east line of S.W.



6th Street to the east line of Lot 12, Block 5, Elmwood Addition, and vacating a portion of S.W. 6th Street between West D Street and West C Street, generally located northeast of S.W. 6th Street and West B Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20140**, is recorded in the Ordinance Book #30

AMENDING CHAPTER 21.09 OF THE LINCOLN MUNICIPAL CODE RELATING TO REGISTRATION OF NEGLECTED BUILDINGS BY ADDING A NEW SECTION NUMBERED 21.09.165 TO PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF FEES AND PENALTIES - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 21.09 of the Lincoln Municipal Code relating to Registration of Neglected Buildings by adding a new section numbered 21.09.165 to provide for the deposit and distribution of fees and penalties, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20141**, is recorded in the Ordinance Book #30

ANNEXATION 14007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 12 ACRES OF PROPERTY GENERALLY LOCATED AT ANTHONY LANE AND O STREET. (RELATED ITEMS: 15-5, 15-6) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20142**, is recorded in the Ordinance Book #30

CHANGE OF ZONE 14032 - APPLICATION OF HERITAGE LAKES, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURE TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCTED AT ANTHONY LANE AND O STREET. (RELATED ITEMS: 15-5, 15-6) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon., the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20143**, is recorded in the Ordinance Book #30

APPROVING A CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN NOEL AND GLORIA CHADD AND THE CITY OF LINCOLN FOR THE DEVELOPMENT AND ANNEXATION OF PROPERTY GENERALLY LOCATED AT N.W. 40TH STREET AND W. VINE STREET. (RELATED ITEMS: 15R-4, 15-3, 15-4) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88744 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Annexation and Zoning Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Noel and Gloria Chadd, regarding to the annexation of approximately 22 acres of property generally located at West Vine Street between N.W. 27th Street and N.W. 40th Street, to set out development restrictions relating to the lack of City water and wastewater systems and the need to maintain West Vine Street for a rock crusher operation, as set out in the Agreement is hereby approved and the Mayor is authorized to execute the Annexation and Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of the Annexation and Zoning Agreement to Tom Cajka, Planning Department, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation and Zoning Agreement with the Register of Deeds to be indexed against Lot 60 of Irregular Tracts, located in the Southwest Quarter of Section 20, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Leirion Gaylor Baird

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

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ANNEXATION 14006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VINE STREET BETWEEN N.W. 27TH STREET AND N.W. 40TH STREET. (RELATED ITEMS: 15R-4, 15-3, 15-4) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon., the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20144**, is recorded in the Ordinance Book #30

CHANGE OF ZONE 14031 - APPLICATION OF NOEL AND GLORIA CHADD FOR A CHANGE OF ZONE FROM AG AGRICULTURE TO I-1 INDUSTRIAL ON APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VINE STREET BETWEEN N.W. 27TH STREET AND N.W. 40TH STREET. (RELATED ITEMS: 15R-4, 15-3, 15-4) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20145**, is recorded in the Ordinance Book #30

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND R.C. KRUEGER DEVELOPMENT COMPANY TO PURCHASE APPROXIMATELY 9.37 ACRES OF CITY OWNED PROPERTY GENERALLY LOCATED AT 2201 SOUTH 84TH STREET - PRIOR to reading:

FELLERS Moved Motion to Amend #1 to amend Bill 15-13 by replacing the Real Estate Purchase Agreement which is attached to the ordinance with the Real Estate Purchase Agreement attached hereto.

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

CLERK Read an ordinance, introduced by Leirion Gaylor Baird, approving a Real Estate Sales Agreement between the City of Lincoln and R.C. Krueger Development Company authorizing the sale of approximately 9.37 acres of City owned property generally located at 2201 S. 84th Street, Lincoln, Nebraska, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20146**, is recorded in the Ordinance Book #30

COMP. PLAN AMENDMENT 14008 - AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM URBAN RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 9.2 ACRES, FROM PUBLIC AND SEMI-PUBLIC TO COMMERCIAL ON APPROXIMATELY .8 ACRES AND FROM URBAN RESIDENTIAL DESIGNATION TO PUBLIC AND SEMI PUBLIC DESIGNATION ON APPROXIMATELY .2 ACRES, GENERALLY LOCATED AT SOUTH 84TH STREET AND KARL RIDGE ROAD. (RELATED ITEMS: 15R-6, 15-1, 15R-7, 15-2) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88745 WHEREAS, the Planning Director has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to change the land designation in the Lancaster County and Lincoln Area Future Land Use Plans from Urban Residential to Commercial on approximately 9.2 acres; from Public and Semi-Public to Commercial on approximately 0.8 acres; and from Urban Residential to Public and Semi-Public on approximately 0.2 acres of land generally located at South 84th Street and Karl Ridge Road and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on pages 1.8 and 12.2, and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial, Public, and Semi Public land use on approximately 10.01 acres of land generally located at South 84th Street and Karl Ridge Road as shown on Attachment "A".

BE IT FURTHER RESOLVED that all other maps, figures, and plans where the land use map is displayed and other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Leirion Gaylor Baird

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

CHANGE OF ZONE 14028 - APPLICATION OF THE CITY OF LINCOLN REAL ESTATE DIVISION FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO P PUBLIC USE, FROM R-1 RESIDENTIAL DISTRICT, P PUBLIC USE DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT, AND FROM R-3 RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND KARL RIDGE ROAD. (RELATED ITEMS: 15R-6, 15-1, 15R-7, 15-2) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon., the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20147**, is recorded in the Ordinance Book #30

SPECIAL PERMIT 14045 - APPLICATION OF THE CITY OF LINCOLN REAL ESTATE DIVISION TO DEVELOP PLANNED SERVICE COMMERCIAL TO DEVELOP UP TO 130,000 SQUARE FEET OF MINI-WAREHOUSES IN THE H-4 GENERAL COMMERCIAL DISTRICT, WITH REQUESTED WAIVERS OF THE REQUIRED REAR AND SIDE YARD SETBACKS AND THE REQUIREMENT THAT POST- DEVELOPMENT FLOWS BE LESS THAN PRE-DEVELOPMENT FLOWS FOR AN ON-SITE DETENTION POND, ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND KARL RIDGE ROAD. (RELATED ITEMS: 15R-6, 15-1, 15R-7, 15-2) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88746 WHEREAS, R.C. Krueger Development Company, with the consent of the City of Lincoln and Lincoln Federal Savings & Loan, has submitted an application designated as Special Permit No. 14045 for a Planned Service Commercial development consisting of up to 130,000 square feet of mini-warehouses in the H-4 General Commercial District, with a requested waiver of the Zoning Code to reduce the rear and side yard setbacks abutting residential zoning and abutting the City water reservoir, and waiver of the Design Standards requiring post development flows be less than pre-development flows for an on-site detention pond, on property located at South 84th Street and Karl Ridge Road, and legally described as follows:

Outlot A, Trendwood 17th Addition and that portion of Lot 51 I.T., located in the Southeast Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, as more particularly described in Exhibit A attached hereto;

WHEREAS, the real property adjacent to the area included within the site plan for this planned service commercial area will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of R.C. Krueger Development Company, hereinafter referred to as "Permittee", for a Planned Service Commercial Development consisting up to 130,000 square feet of mini-warehouses, on the property legally described above ("the Property"), be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a Planned Service Commercial Development for up to 130,000 square feet of mini-warehouses as shown on the site plan and (a) reduces the rear and side yard setbacks from 50 feet to 30 feet and 20 feet, respectively, when abutting residential zoning; (b) reduces the rear and side yard setbacks from 20 feet to 5 feet abutting the City water reservoir; and (c) waives the Design Standards to allow post development flows to be less than pre-development flows for an on-site detention pond.
2. The City Council must approve associated requests:
  - a. Amendment to the Lincoln-Lancaster County Comprehensive Plan to show this property as a "Commercial" designation.
  - b. Street vacation of Viewpoint Drive.
  - c. Change of Zone No. 14028.
3. The Permittee, as Buyer, and the City of Lincoln and Lincoln Federal Savings and Loan, as Sellers, must close upon Permittee's purchase of the Property.
4. Before receiving building permits or before a final plat is approved the Permittee shall:
  - a. Cause to be prepared and submitted to the Planning Department a revised and

reproducible final plot plan including four copies with all required revisions as listed below:

- i. Add coniferous plant material to the perimeter of the site, and add landscaping adjacent to the residential lots along Karl Ridge Drive. The landscape plan shall be approved by the Planning Director, prior to obtaining a building permit.
- ii. Remove notes 8, 12, 13 and 16 from the plan.
- iii. Add a note that states, "Private fire hydrants will be installed to adequately serve this development."
- iv. Change Note 4 to state, "The building height shall be per the H-4 district."
- v. Add a note to the plan that states, "Vehicle parking within the 110' L.E.S. overhead power line easement will comply with L.E.S. height restrictions."
- vi. Add a note to the plan that states, "The Stormwater Detention Calculations report dated October 15, 2014, and revised December 1, 2014, is a supplement to the special permit for Planned Service Commercial."
- vii. Provide hard copies of the revised drainage report to the satisfaction of the Watershed Management Division.
- b. Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Before the issuance of the building permit, the construction plans must substantially comply with the approved plans.
5. Final plats must be approved by the City.
6. Before the approval of a final plat, the drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, and street trees, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.
7. No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:
  - a. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
  - b. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final
  - c. to complete the installation of street trees along the west side of S. 84<sup>th</sup> Street as shown on the final plat within two (2) years following the approval of this final plat.
  - d. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
  - e. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - f. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
  - g. to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.
  - h. to relinquish the right of direct vehicular access from the property to S. 84<sup>th</sup> Street.
8. Before starting the operation all development and construction shall substantially comply with the approved plans.
9. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
10. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.
11. The terms, conditions, and requirements of this resolution shall run with the land and be

binding upon the Permittee, its successors, and assigns.

12. The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by Leirion Gaylor Baird

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

VACATION 14009 - VACATING THE VIEWPOINT DRIVE RIGHT-OF-WAY LYING NORTH OF KARL RIDGE ROAD, GENERALLY LOCATED AT SOUTH 84TH STREET AND KARL RIDGE ROAD. (RELATED ITEMS: 15R-6, 15-1, 15R-7, 15-2) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, vacating the Viewpoint Drive right-of-way lying north of Karl Ridge Road adjacent to 8264 and 8300 Karl Ridge Road generally located at South 84th Street and Karl Ridge Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, being numbered **#20148**, is recorded in the Ordinance Book #30

### RESOLUTIONS - 1<sup>ST</sup> READING

REAPPOINTING CHRISTIE DIONISOPOULOS TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2018. (*CONSENT*)

REAPPOINTING TOM HUSTON AND JOANNE KISSEL TO THE URBAN DESIGN COMMITTEE FOR TERMS EXPIRING FEBRUARY 1, 2018. (*CONSENT*)

REAPPOINTING JONATHAN REHM TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2017. (*CONSENT*)

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND ALL ROADS BARRICADES, INC. FOR THE ANNUAL REQUIREMENTS FOR EMERGENCY INCIDENT MANAGEMENT RENTAL DEVICE SERVICES, PURSUANT TO BID NO. 14-179, FOR A FOUR YEAR TERM. (*CONSENT*)

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND ELITE PROFESSIONALS HOME CARE COMPANY FOR THE ANNUAL REQUIREMENTS FOR IN-HOME SERVICES FOR THE ELDERLY, PURSUANT TO BID NO. 14-261, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO YEAR TERM. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1-15, 2015.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WITH FUNDING APPROPRIATIONS COMING FROM MORE THAN ONE FISCAL YEAR CIP FOR THE N.W. 48TH STREET FROM W. VINE STREET TO W. ADAMS STREET ROADWAY IMPROVEMENT PROJECT NO. 701452.

SPECIAL PERMIT 1999B - APPLICATION OF S&B LINCOLN APARTMENTS 1, LLC TO INCREASE THE HEIGHT OF THE APARTMENT COMPLEX SIGN FROM 6 FEET TO 7.5 FEET AT PROPERTY GENERALLY LOCATED AT S. 33RD STREET AND WILDERNESS HILLS BOULEVARD.

AMENDING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE GOVERNING BOARDS OF PUBLIC SAFETY ANSWERING POINTS IN THE COUNTIES OF CASS, FILLMORE, GAGE, JEFFERSON, JOHNSON, LANCASTER, NEMAH, OTOE, PAWNEE, RICHARDSON, SALINE, SEWARD, THAYER AND YORK TO ACCEPT THE SOUTHEAST REGION 911 EMERGENCY COMMUNICATIONS STUDY AGREEMENT ADDENDUM.

COMP. PLAN CONFORMANCE 14025 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE SWANSON RUSSELL REDEVELOPMENT PROJECT FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1202 P STREET.

APPROVING AN AMENDMENT TO THE 2014-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) TO MOVE PROJECTS INTO THE FIRST YEAR OF THE CIP AND TO CHANGE THE FUNDING SOURCE TO LOCAL OPTION SALES TAX FOR PUBLIC SAFETY FOR PROJECT 0765 RADIO SYSTEM UPGRADE, PROJECTS 0240 AND 0348 FOR THE CO-LOCATION OF FIRE STATION 12

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WITH AN LPD PRECINCT, PROJECT 0172 NEW FIRE STATION 15, PROJECT 0204 FIRE STATION 10 RELOCATION, AND PROJECT 0662 NEW FIRE STATION 16. (RELATED ITEMS: 15R-15, 15R-30, 15R-31)

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY RELATING TO THE JOINT PLANNING AND FINANCING OF A REPLACEMENT EMERGENCY COMMUNICATIONS SYSTEM. (RELATED ITEMS: 15R-15, 15R-30, 15R-31)

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED BALLOT QUESTION FOR THE APRIL 7, 2015 PRIMARY ELECTION TO INCREASE THE LOCAL SALES TAX RATE BY 1/4% FOR A THREE YEAR PERIOD TO BE USED FOR THE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM INCLUDING 911 PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM EQUIPMENT AND INFRASTRUCTURE, REPLACEMENTS, AND UPGRADES; A JOINT POLICE/FIRE AND RESCUE STATION; AND THREE FIRE AND RESCUE STATIONS. (RELATED ITEMS: 15R-15, 15R-30, 15R-31)

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

REPEALING ORDINANCE NO. 19940 CREATING PAVING DISTRICT NO. 2633, IN N.W. NANCE STREET FROM N.W. 8TH TO N.W. 9TH STREETS, DUE TO THE LACK OF A PETITION SIGNED BY A MAJORITY OF AFFECTED PROPERTY OWNERS - CLERK read an ordinance, introduced by Jonathan Cook, repealing Ordinance No. 19940 which created Paving District No. 2633, which included all that portion of N.W. Nance Street from N.W. 8th Street to N.W. 9th Street describing the benefitted property as follows: West Lincoln, Block 8, Lot 11 - 12, W1/2, West Lincoln, Block 8, Lot 11 - 12, E1/2, West Lincoln, Block 8, Lot 1 - 2, W81', West Lincoln, Block 8, Lot 1 - 2, E61', West Lincoln, Block 5, Lot 5 - 6, West Lincoln, Block 5, Lot 7 - 8, E71', West Lincoln, Block 5, Lot 7 - 8, W71', West Lincoln, Block 5, Lot 9, West Lincoln, Block 5, Lot 4, West Lincoln, Block 8, Lot 10, West Lincoln, Block 8, Lot 3 City of Lincoln, Lancaster County, Nebraska, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$375,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the issuance of Lincoln Electric System Revenue and Refunding Bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$375,000,000 fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the first time.

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND IRONWOOD PROPERTIES, LLC, AND STEFFEN CONSTRUCTION SPECIALISTS, INC. TO RESTRICT USE OF THE PROPERTY UNDER THE PROPOSED CHANGE OF ZONE NO. 14029 ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) (ACTION DATE: 2/9/15)

CHANGE OF ZONE 14029 - APPLICATION OF IRONWOOD PROPERTIES AND STEFFEN CONSTRUCTION SPECIALISTS, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 48TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS: 15R-25, 15-16) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 14033 - APPLICATION OF CASEY'S RETAIL COMPANY, KEITH SACHEWSKY, AND JAMES PETERSON FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL AND O-2 SUBURBAN OFFICE TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH STREET AND MEREDETH STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

TEXT AMENDMENT 14021 - AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCEPTIONS TO FRONT YARD REQUIREMENTS TO PROVIDE FOR A REDUCED COMMERCIAL FRONT YARD SETBACK IN THE O-1 OFFICE DISTRICT AND THE B-3 COMMERCIAL DISTRICT WHERE THERE IS AN ABUTTING RESIDENTIAL DISTRICT ALONG THE SAME BLOCK FACE - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.72.080 of the Lincoln Municipal Code relating to exceptions to front yard requirements to provide for a reduced commercial front yard setback in the O-1 Office District and the B-3 Commercial District where

there is an abutting residential district along the same block face; and repealing Section 27.72.080 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE O STREET AND NORTH 84TH STREET AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ROADS, THE CITY OF LINCOLN, CORNHUSKER BANK, AND BREHM ENTERPRISES, INC. RELATING TO CORNHUSKER BANK'S CONSTRUCTION OF STREET IMPROVEMENTS ASSOCIATED WITH CORNHUSKER BANK'S DEVELOPMENT ON THE NORTHWEST CORNER OF THE INTERSECTION AT 84TH AND O STREETS AND PROVIDING FOR THE CITY TO REIMBURSE CORNHUSKER BANK FOR ITS COST TO CONSTRUCT A SOUTHBOUND RIGHT TURN LANE ON 84TH STREET WITH IMPACT FEES. (RELATED ITEMS 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15)

USE PERMIT 13011A - APPLICATION OF BREHM ENTERPRISES, INC. TO AMEND THE RUSSWOOD PARK USE PERMIT TO INCREASE THE FLOOR AREA, TO EXCEED THE MAXIMUM HEIGHT, AND MODIFY THE PARKING REQUIREMENTS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND O STREET. (RELATED ITEMS: 15R-22, 15R-27, 15-19) (ACTION DATE: 2/9/15)

VACATION 14013 - VACATING APPROXIMATELY 0.03 ACRES OF RUSSWOOD PARKWAY RIGHT-OF-WAY ADJACENT TO OUTLOT A, RUSSWOOD PARK 4TH ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA. (RELATED ITEMS: 15R-22, 15R-27, 15-19) - CLERK read an ordinance, introduced by Jonathan Cook, vacating approximately 0.03 acres of Russwood Parkway right-of-way adjacent to Outlot A, Russwood Park 4<sup>th</sup> Addition generally located at Russwood Parkway between O Street and College Park Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

#### PENDING LIST

APPROVING AN INTERLOCAL MASTER FACILITY USE AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN ESTABLISHING AN EQUITABLE METHOD FOR SHARING COSTS ASSOCIATED WITH SHARED USE OF FACILITIES MANAGED BY EACH OF THE PARTIES. (6/9/14 - PUBLIC HEARING & ACTION CONT'D 2 WEEKS TO 6/23/14) (6/23/14 - PLACED ON PENDING, NO DATE CERTAIN (TO HAVE CONT'D P.H.)) - PRIOR to reading:

FELLERS Moved to withdraw Bill 14R-155.

Seconded by Camp and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4655** & was placed on file in the Office of the City Clerk.

#### OPEN MICROPHONE - NONE

Jane Svoboda, no address given, came forward with comments on various issues.  
This matter was taken under advisement.

Teri Pope-Gonzalez, 349 S. 1st St., came forward with comments on various issues.  
This matter was taken under advisement.

#### ADJOURNMENT

7:05 P.M.

CAMP Moved to adjourn the City Council Meeting of January 26, 2015.

Seconded by Cook and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Christensen.

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Teresa J. Meier, City Clerk

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Soulinnee Phan, Office Specialist

